

REGULAR MEETING

**Lebanon Township Planning Board
Municipal Bldg 530 West Hill Road Glen Gardner, N. J.**

December 11, 2007

The 804th Regular Meeting of the Lebanon Township Planning Board was called to order at 7:10 p.m. by Chairman Gary MacQueen. Present were: Mr. Weeks, Mr. Schmidt, Mr. Rich, Ms. Bleck, Mr. Weiler, Attorney Gallina, Planner Bolan and Engineer Risse. Excused: Mr. Gerlich, Mr. Piasecki

Notice of this meeting was provided for in the "Annual Meeting Notice Schedule" adopted by this board on January 16, 2007, mailed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Courier News, Star Ledger and posted on the bulletin board in the Municipal Building on December 3, 2007.

PRESENTATION OF MINUTES: November 27, 2007 Regular Meeting

Motion by Mr. Rich and seconded by Ms. Bleck to approve the minutes as presented. Unanimously approved.

APPLICATION TO BE DEEMED COMPLETE/WAIVERS & SET A PUBLIC HEARING DATE:

Omnipoint Communications Inc. Block #12 Lot #5
Conditional Use for Co-location of a Cell Tower Route 513 RC 7½
(Ltr Engr Risse enclosed)

Attorney Robert DelVecchio was present to represent the applicant Omnipoint Communications and made a brief statement to the board.

Chairman MacQueen asked Engineer Risse to review for the board the proposal and the waivers being requested. Since this is a co-location, Chairman MacQueen stated that the waivers requested were a reasonable request by the applicant. Chairman MacQueen asked about the letter from the County Planning Board. Engineer Risse reviewed the five conditions of approval by the County Planning Board.

Planner Bolan noted there were 2 variances with this application. One for the height of the tower and the other for the height of the antenna's and quoted Section 400-15E (4&5). At the conclusion of the board's discussion, motion by Ms. Bleck and seconded by Mr. Rich to grant the requested waivers, deem the application complete and set a public hearing date.

ROLL CALL Yes: Mr. Weeks Mr. MacQueen Absent: Mr. Gerlich
Mr. Schmidt Ms. Bleck Mr. Piasecki
Mr. Rich Mr. Weiler Mr. Piazza

Ms. Glashoff offered the January 8, 2008 meeting date at 7:00 p.m. to the applicant stating that they will have adequate time for noticing. Attorney DelVecchio agreed to the date.

NEW BUSINESS:

James Butters Block #16 Lot #20
51 Hoffmans Crossing Road Hoffmans Crossing Road RC 7½
Califon, N.J. 07830

FORMAL APPLICATION 1 Lot Agricultural Subdivision w/Flag Stem with remaining lands

Attorney Michael Selvaggi was present to represent the applicant James Butters. Also present to give testimony was Engineer Jess Symonds. Attorney Selvaggi stated this is a unique type of subdivision since it is an agricultural which technically is not a subdivision. The new lot will exceed the 5 acre zoning requirement along with the 26 acre requirement of the Highlands. Engineer Risse reviewed his report

dated November 13, 2007 for the board noting the property lies totally within the Highlands.

At this time, Engineer Jess Symonds was sworn in to give testimony on behalf of the applicant. The total amount of acres is 87.1 and the lot being subdivided is 34.024 acres. Chairman MacQueen asked how wide the flagstem is and is it the entire length from the road to the lot. Engineer Symonds said yes that it is the 50' for the entire length. Attorney Selvaggi stated the flagstem was created so the new lot would have road frontage and not be landlocked. There is an existing paved driveway which will be used for access.

Engineer Risse recommended that when the lot becomes a building lot the Planning Board will need to look at what is being proposed regarding steep slopes which is not part of this application. Attorney Gallina asked if this would be encompassed in the individual lot development plan. Engineer Risse answered yes. Planner Bolan asked why this wasn't being done as a minor subdivision. Attorney Selvaggi said they are trying to save a step with the Highlands. Planner Bolan asked if they noticed for any variances or have language in your notice. Attorney Selvaggi answered no since this is an agricultural subdivision. Planner Bolan noted that the flagstem is 2' from the Pavilion which is an accessory structure in the side yard which is not permitted. Attorney Gallina read from the statute stating a law decision case and the court held that "once the Planning Board determines that the subdivision does not create any new streets and parcel is at least 5 acres in size, then the Planning Board has no authority over the division because technically it is not

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a subdivision under the statute". The Planning Board should require that the lot(s) will be deed restricted for agricultural purposes. Attorney Selvaggi noted that this is a unique situation because you have the school (Developmental Center) and you are also farmland assessed. Planner Bolan noted that the Planning Board has also approved additional buildings on the property because it met the Conditional Use standards. Engineer Symonds informed the board that the Pavilion is used for storage

Engineer Risse brought to the board's attention that there are two lots with the same lot numbers. Attorney Selvaggi stated that they did not get a new lot number from the Tax Assessor. The applicant will clarify and take care of it since they will be filing new deeds. Mr. Schmidt questioned the use of the driveway because once the lot becomes a building lot the owners will need to have proper access. For now it is not an issue. Attorney Selvaggi stated it will be in the deed regarding a cross easement. This is being done because of the Highlands and the impervious coverage issue. Engineer Symonds explained the difference between being a major highlands application versus getting an exemption. At the conclusion of the board's discussion, Chairman MacQueen opened the hearing to the public. There were no questions or comments. Chairman MacQueen asked for a motion to close the public portion of the hearing. Motion by Ms. Bleck and seconded by Mr. Rich to close the public portion of the hearing. Unanimously approved.

During the board's deliberations, Engineer Risse suggested that a lot development plan be reviewed by the Planning Board as one of the conditions. At the conclusion of the board's deliberations, motion by Mr. Rich and seconded by Mr. Schmidt to approve the 1 lot agricultural subdivision with the following conditions:

- a. The applicant will obtain all other necessary approvals from all other agencies having jurisdiction in this matter.
- b. The applicant will submit appropriate subdivision deeds for review and approval by the Board Attorney and Board Engineer. The Deeds will contain the proper language restricting the property to agricultural use. The necessary language regarding access easements over the existing driveway and maintenance responsibilities of the existing driveway will also be submitted for review and approval. This language may be contained in the subdivision deeds, or set forth in a separate agreement which will also be recorded.

CORRESPONDENCE:

OPEN TO THE PUBLIC

No public present

At this time Chairman MacQueen announced that he has received a letter from board member Josh Rich and read the letter into the record. Mr. Rich is asking for an excused leave of absence from January 15th to June 3rd since he will be teaching at the University of Humanities in Ulaanbaatar, Mongolia.

Mr. Rich stated that he and his wife had taken an 8000 mile train trip from Moscow to Beijing with a 5 day layover in Ulaanbaatar at which time the opportunity for a teaching assignment came about. Mr. Rich stated that 50% of the people in Mongolia still live in tents, they are very friendly and they just received their independence from Russia in 1991. Mr. Rich said he will be teaching English and Business to graduates and undergraduates. Mr. Rich stated that his wife has been offered a job teaching and also a job to start a nutrition school, so she will be very busy also. They are both looking forward to this new adventure over the next 4 ½ months. Motion by Mr. Schmidt and seconded by Ms. Bleck to approve the excused absence of Mr. Rich. Unanimously approved. The board wished Josh well and to have a safe trip.

Being no further business to come before the board, nor comments from the public, motion by Ms. Bleck and seconded by Mr. Rich to adjourn the meeting at 8:35 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK